

**FILED**  
HARRISBURG, PA

DEC 9 2008

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

MARY E. D'ANDREA, CLERK  
Deputy Clerk

KERPER YENGLEE, :  
 :  
 Petitioner :  
 : CIVIL NO. 1:CV-07-0031  
 vs. :  
 : (Judge Caldwell)  
 DAVID DIGUGLIELMO, ET AL., :  
 :  
 Respondents. :

O R D E R

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

This case is on remand from the Court of Appeals for the sole purpose of determining whether a certificate of appealability should be issued. Based on our Memorandum of November 6, 2008, (doc. 17), we will deny a certificate of appealability.

AND NOW, this 8th day of December, 2008, it is ordered that a certificate of appealability is denied.

/s/William W. Caldwell  
William W. Caldwell  
United States District Judge